



General Assembly

February Session, 2014

***Raised Bill No. 366***

LCO No. 1949



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

***AN ACT CONCERNING THE ERASURE OF RECORDS IN  
DELINQUENCY AND FAMILY WITH SERVICE NEEDS MATTERS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-146 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) (1) Whenever [any] a child has been convicted as delinquent [,  
4 has been adjudicated a member of a family with service needs] for the  
5 commission of a serious juvenile offense or has signed a statement of  
6 responsibility admitting to having committed a [delinquent act]  
7 serious juvenile offense, and has subsequently been discharged from  
8 the supervision of the Superior Court or from the custody of the  
9 Department of Children and Families or from the care of any other  
10 institution or agency to [whom] which the child has been committed  
11 by the court, such child, or the child's parent or guardian, may file a  
12 petition with the Superior Court [. If such] for erasure of records  
13 pursuant to this subdivision. The court shall order all police and court  
14 records pertaining to such child to be erased if the court finds [(1)] that  
15 (A) at least [two years or, in the case of a child convicted as delinquent  
16 for the commission of a serious juvenile offense,] four years have

17 elapsed from the date of such discharge, [(2) that] (B) no subsequent  
 18 juvenile proceeding or adult criminal proceeding is pending against  
 19 such child, [(3) that] (C) such child has not been convicted of a  
 20 delinquent act that would constitute a felony or misdemeanor if  
 21 committed by an adult during such [two-year or] four-year period, [(4)  
 22 that] (D) such child has not been convicted as an adult of a felony or  
 23 misdemeanor during such [two-year or] four-year period, and [(5)  
 24 that] (E) such child has reached eighteen years of age. [, the court shall  
 25 order all police and court records pertaining to such child to be  
 26 erased.]

27 (2) Whenever a child has been convicted as delinquent for the  
 28 commission of a delinquent act other than a serious juvenile offense,  
 29 has been adjudicated a member of a family with service needs or has  
 30 signed a statement of responsibility admitting to having committed a  
 31 delinquent act other than a serious juvenile offense, and has  
 32 subsequently been discharged from the supervision of the Superior  
 33 Court or from the custody of the Department of Children and Families  
 34 or from the care of any other institution or agency to which the child  
 35 has been committed by the court, the court shall order all police and  
 36 court records pertaining to such child to be erased on the second day  
 37 of January of each year or on a date designated by the court without  
 38 the filing of a petition if the court finds that (A) at least two years have  
 39 elapsed from the date of such discharge, (B) no subsequent juvenile  
 40 proceeding or adult criminal proceeding is pending against such child,  
 41 (C) such child has not been convicted of a delinquent act that would  
 42 constitute a felony or misdemeanor if committed by an adult during  
 43 such two-year period, (D) such child has not been convicted as an  
 44 adult of a felony or misdemeanor during such two-year period, and (E)  
 45 such child has reached eighteen years of age.

46 (3) Upon the entry of such an erasure order, all references including  
 47 arrest, complaint, referrals, petitions, reports and orders, shall be  
 48 removed from all agency, official and institutional files, and a finding  
 49 of delinquency or that the child was a member of a family with service

50 needs shall be deemed never to have occurred. The persons in charge  
 51 of such records shall not disclose to any person information pertaining  
 52 to the record so erased, except that the fact of such erasure may be  
 53 substantiated where, in the opinion of the court, it is in the best  
 54 interests of such child to do so. No child who has been the subject of  
 55 such an erasure order shall be deemed to have been arrested ab initio,  
 56 within the meaning of the general statutes, with respect to proceedings  
 57 so erased. Copies of the erasure order shall be sent to all persons,  
 58 agencies, officials or institutions known to have information pertaining  
 59 to the delinquency or family with service needs proceedings affecting  
 60 such child.

61 (b) Whenever the case of a child who is charged with being  
 62 delinquent or being a member of a family with service needs is  
 63 dismissed, [as not delinquent or as not being a member of a family  
 64 with service needs,] all police and court records pertaining to such  
 65 charge shall be ordered erased immediately, without the filing of a  
 66 petition.

67 (c) Nothing in this section shall prohibit the court from granting a  
 68 petition to erase a child's records on a showing of good cause, after a  
 69 hearing, before the [time] date when such records could be erased.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2014	46b-146

**JUD**      *Joint Favorable*

**JUD**      *Joint Favorable*